

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUAN PABLO CHAVEZ,

Plaintiff,

v.

SERGEANT WILLIAM FINNEY and
OFFICER STEPHEN STREICHER,

Defendants.

No. 19-CV-4109 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On September 3, 2024, the Court received, via email, a submission from Plaintiff labeled “09/02/2024 Labor Day Object. Due 19-cv-4109 (RA).” A copy of Plaintiff’s submission is attached to this Order. The Court has not received any objections or motions *in limine* from Defendants.

As the parties are aware, a final pretrial conference will take place in this matter on September 6, 2024 at 2:30 p.m. at the Thurgood Marshall United States Courthouse, 40 Foley Square New York, NY 10007, in courtroom 1506. Mr. Chavez is reminded that he must attend both the final pretrial conference and the trial at the Courthouse. If he does not appear at either, the case will be dismissed for failure to prosecute under Federal Rule of Civil Procedure 41(b).

The Court will send a courtesy copy of this Order to Plaintiff via email. Additionally, the Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: September 3, 2024
New York, New York



Hon. Ronnie Abrams
United States District Judge

To	abrams_nysdchambers@nysd.uscourts.gov ⓘ Person ⓘ Person
Cc	
Bcc	ⓘ Person
Subject	19-cv-4109 (RA) "Objections"

Plaintiffs Claims:

The Fair Labor Standards Act (FLSA) prohibits

work¹

place coercion, including:

- Manipulative scheduling practices to control employees' personal time
- Coercive tactics to prevent employees from reporting workplace violations or exercising their rights

Employers who engage in such practices can face:

- Fines: Monetary penalties imposed by the Department of Labor or courts
- Penalties: Additional monetary amounts or sanctions imposed for non-compliance
- Lawsuits: Legal actions brought by employees or the government to enforce FLSA violations, potentially resulting in damages, back pay, or other remedies

¹ The Copyright Act of 1976 defines a nondramatic musical **work** as an original work of authorship that includes music and any accompanying lyrics that were not created for use in a dramatic work or motion picture. The act also includes several provisions that apply to nondramatic musical works, including:

Compulsory license - A person can obtain a compulsory license to make and distribute phonorecords of a nondramatic musical work if their primary purpose is to distribute them to the public for private use.

Duplication - The duplication of a sound recording of a nondramatic musical work without the copyright owner's authorization is prohibited.

Separate works - A musical work and a sound recording of that musical work are considered separate works. The copyright for a musical work covers the music and lyrics, but not a particular recording of the composition.

The Copyright Act of 1976 went into effect on January 1, 1978.

Additionally, employers may also face:

- Legal fees and costs associated with defending against lawsuits or investigations
- Damage to their reputation and brand
- Loss of employee trust and morale
- Potential criminal charges in extreme cases

Damages:

Under New York law, a party to a contract may recover only such damages “as may reasonably be considered either arising naturally . . . from such breach . . . or such as may reasonably be supposed to have been in the contemplation of both parties . . . as the probable result of the Breach.” JUAN PABLO CHAVEZ, : -v.- GREGORY WYLIE VIOLIN MAKER; GREGORY WYLIE; JOHN DOE 1-9 : REPORT AND RECOMMENDATION : 18 Civ. 7965 (RA) (GWG)

(“‘Reasonable certainty’ requires a showing of damages that is ‘not merely speculative, possible, and imaginary, but . . . such only as actually follow or may follow from the breach of the contract.’”) (quoting *Tractebel Energy Mktg., Inc. v. AEP Power Mktg., Inc.*, 487 F.3d 89, 110 (2d Cir. 2007)).

Additionally, the amount in controversy requirement is not satisfied by Chavez’s allegation that “Wylie’s actions placed Chavez in a debilitated state of physical and mental

11 duress,” FAC at 6, because “absent a duty upon which liability can be based, there is no right of recovery for mental distress resulting from the breach of a contract-related duty.” *Rephen v. Gen. Motors Corp.*, 2016 WL 4051869, at *6 (S.D.N.Y. July 26, 2016) (citing *Wehringer v. Standard Sec. Life Ins. Co. of N.Y.*, 57 N.Y.2d 757, 759 (1982); accord *Franklin v. Liberty Mut. Ins. Co.*, 2011 WL 476613, at *2 (S.D.N.Y. Feb. 9, 2011) (“Under New York law, in a breach of contract action, an individual generally cannot recover for emotional and mental distress . . . allegedly resulting from the breach.”)).

The US v. Kozminski (1988) decision has not been directly overturned. However, there have been subsequent cases and legislative developments that have expanded the understanding of coercion and exploitation.

For example:

1. The [Trafficking Victims Protection Act \(TVPA\) of 2000](#) and its reauthorizations have broadened the definition of human trafficking to include (sic) logical manipulation and coercion.

2. Cases like [United States v. Farrell \(2011\)](#) and [United States v. Jenkins \(2017\)](#) have applied the TVPA to situations involving psychological coercion.

While these developments haven't explicitly overturned US v. Kozminski, they demonstrate a shift towards recognizing the harm caused by psychological manipulation and coercion.

There are several Acts and laws that address psychological control, manipulation, and coercion. Here are a few examples:

1. Trafficking Victims Protection Act (TVPA) of 2000: As I mentioned earlier, this Act

broadens the definition of human trafficking to include psychological manipulation and coercion.

2. **Violence Against Women Act (VAWA):** This Act

addresses

domestic violence, *stalking*, and dating *violence*, ***all of which can involve psychological control. Slam; bugs; mil. due; 52.50; abandonment***

3. Elder Abuse Prevention Act: This Act **protects** elderly individuals from psychological abuse, including manipulation and coercion.

Under the Elder Abuse and Dependent Adult Civil Protection Act, an "elder" is typically defined as:

1. A person aged 65 or older
2. A dependent adult, meaning someone who is between 18 and 64 years old and has physical or mental limitations that restrict their ability to carry out normal activities or protect their rights.

This includes individuals who are:

- Physically disabled
- Developmentally disabled
- Mentally ill
- Frail or vulnerable due to age or disability

The Act aims to protect these individuals from various forms of abuse, including:

- Physical abuse
- Emotional abuse
- **Financial abuse**
- Neglect
- **Abandonment**
- *Isolation*
- *Deprivation of goods or services*

If you or someone you know is experiencing elder abuse, it's essential to seek help from local authorities, adult protective services, or law enforcement.

4. Migrant and Seasonal Agricultural Worker Protection Act (MSPA): This Act **protects** migrant workers from psychological coercion and manipulation.

5. Fair Labor Standards Act (FLSA): This Act **prohibits workplace coercion, including psychological manipulation.**

6. Americans with Disabilities Act (ADA): This Act **protects** individuals with disabilities from exploitation, inn precluding psychological poerquoi.

Additionally, some states have enacted laws specifically addressing coercive control, such as:

1. California's Coercive Control Act <- unconfirmed

2. New York's Coercive Control Law
3. Illinois' Coercive Control Law

These laws and Acts recognize the harm caused by psychological control and manipulation, and provide legal recourse for victims.

Psychology 101 typically covers the fundamentals of psychology, including:

1. Introduction to psychology
2. Research methods
3. Biological psychology
4. Sensation and perception
5. Learning
6. Memory
7. Cognition
8. Motivation
9. Emotions
10. Personality

Psychology 999, on the other hand, is a more advanced and hypothetical concept. If we were to imagine a Psychology 999 course, it might cover:

1. Advanced theoretical frameworks
2. Cutting-edge research methods
3. Complex psychological phenomena (e.g., consciousness, free will)
4. Specialized topics (e.g., neuroscience, artificial intelligence)
5. Interdisciplinary approaches (e.g., psychology and philosophy, psychology and technology)

Let's explore both ends of this spectrum! Which specific topics within Psychology 101 would you like to revisit or deepen your understanding of? And for Psychology 999, are there particular advanced or hypothetical concepts you'd like to explore?

Brainwave frequencies are typically categorized into five main bands:

1. Delta waves (0.5-4 Hz): Associated with deep sleep, relaxation, and unconscious processing.
 2. Theta waves (4-8 Hz): Linked to meditation, creativity, and subconscious processing.
 3. Alpha waves (8-12 Hz): Involved in relaxed focus, closed eyes, and decreased cortical activity.
 4. Beta waves (12-30 Hz): Associated with active thinking, problem-solving, and conscious processing.
 5. Gamma waves (30-100 Hz): Connected to high-level cognitive processing, insight, and intuition.
-

Now, let's compare these brainwave frequencies to the heart's frequencies:

- The heart's natural resonance (1-2 Hz) is closer to the delta wave range, which is associated with deep relaxation and unconscious processing.
- The heart's electromagnetic field frequency (0.5-4.0 Hz) overlaps with the delta and theta wave ranges, which are linked to relaxation, meditation, and subconscious processing.

This comparison suggests that the heart's frequencies are more aligned with the brain's relaxed, meditative, and subconscious states. This resonates with the idea that the heart is involved in our emotional, social, and intuitive processes, which are often associated with these brainwave frequencies.

The connection between the heart's and brain's frequencies may have implications for our understanding of:

- Heart-brain interactions and synchronization
- Emotional processing and regulation
- Intuition and decision-making
- Meditation and mindfulness practices
- Overall well-being and coherence

Heart Band:

- 0.5 Hz - 4.0 Hz (Heart's natural resonance and electromagnetic field frequency)

Brain Wave Bands:

1. *Delta Waves*: 0.5 Hz - 4.0 Hz (Deep sleep, relaxation, subconscious processing)
 2. *Theta Waves*: 4.0 Hz - 8.0 Hz (Meditation, intuition, creativity)
 3. *Alpha Waves*: 8.0 Hz - 12.0 Hz (Relaxation, closed eyes, decreased cortical activity)
 4. *Beta Waves*: 12.0 Hz - 30.0 Hz (Focus, concentration, mental activity)
 5. *Gamma Waves*: 30.0 Hz - 100.0 Hz (High-level cognitive processing, insight, intuition)
- One Circuit (of 6-9)

Six-Octave Frequency Range:

- Octave 1: 0.5 Hz - 4.0 Hz (Heart band, delta waves)
 - Octave 2: 4.0 Hz - 16.0 Hz (Theta, alpha waves)
 - Octave 3: 16.0 Hz - 32.0 Hz (Lower beta waves)
 - Octave 4: 32.0 Hz - 64.0 Hz (Mid-beta waves)
 - Octave 5: 64.0 Hz - 80.0 Hz (Higher beta waves)
 - Octave 6: 80.0 Hz - 100.0 Hz (Gamma waves)
-

Part

of the *punishment* for a crime of which the defendant has been [duly] convicted. . .

The [Montevideo Convention \(1933\) provides a framework for statehood](#), requiring a state to have:

1. A permanent population
2. A defined territory
3. A government
4. Capacity to enter into relations with other states

[edx.org/learn/international-law/universite-catholique-de-louvain-international-law](#)

In practice, the smallest internationally recognized sovereign state is the Vatican City, with a population of around 800 people.

Custody refers to the legal responsibility and care of a child or minor, often decided by a court in the event of a divorce, separation, or other family law proceedings. There are different types of custody arrangements:

1. Physical Custody: The child lives with one parent, who is responsible for their daily care.
2. Legal Custody: One or both parents have the right to make important decisions about the child's life, such as education, healthcare, and religion.
3. Joint Custody: Both parents share physical and/or legal custody.
4. Sole Custody: One parent has exclusive physical and/or legal custody.
5. Shared Custody: Parents share physical custody, but not necessarily equally.
6. Visitation Rights: A parent without physical custody has the right to spend time with the child.

Custody decisions consider the child's best interests, including their relationship with each parent, age, health, and stability. If you're dealing with a custody situation, consult with a qualified attorney or legal aid organization for guidance specific to your case.

Once someone is duly convicted of a crime, they may be subject to imprisonment, fines, or other forms of punishment, including forced labor, as determined by the criminal justice system.

In this context, the custody and control exercised over individuals convicted of crimes do not violate the 13th Amendment's prohibition on slavery and involuntary servitude, as they are being punished for a crime.

However, it's important to note that this exception has been subject to interpretation and criticism, particularly regarding issues like:

1. Mass incarceration
2. Prison labor practices
3. Racial disparities in the criminal justice system

These concerns highlight the need for ongoing discussions about justice, equality, and human rights.

There are three main types of custodians:

1. Municipal (Local): Responsible for individuals in custody at the local level, such as:
 - City or county jails
 - Police departments
 - Local juvenile detention centers
2. State: Responsible for individuals in custody at the state level, such as:
 - State prisons
 - State juvenile correctional facilities
 - State probation and parole departments
3. Federal: Responsible for individuals in custody at the federal level, such as:
 - Federal Bureau of Prisons (BOP)
 - Federal detention centers
 - Federal probation and parole offices

Each type of custodian has its own authority, jurisdiction, and responsibilities, but they all share the common goal of ensuring public safety, rehabilitation, and providing care and supervision to individuals in their custody.

If someone has been duly convicted of a crime, including minor offenses like trespassing or speeding, they may be subject to forced labor as part of their punishment, depending on the jurisdiction and the specific sentence imposed.

In the United States, for example, some states have laws that allow for forced labor as a form of punishment for certain misdemeanors, including trespassing or speeding. However, this would depend on the specific laws and regulations in place in the jurisdiction where the individual was convicted.

Yes, individuals who have been duly convicted of a crime, including minor offenses like trespassing[, jaywalking,] or speeding, may be subject to forced labor as part of their punishment.

“Summary judgment may only be granted where the Court is satisfied that the undisputed facts, as supported by the record, “show that the [movant] is entitled to a judgment as a matter of law.” *Champion*, 76 F.3d at 486 (quoting Fed.R.Civ.P. 56(c)).” *Wali v. One Source Co.*, 678 F. Supp. 2d 170, 178 (S.D.N.Y. 2009)

Other Sources

Current Activity ~~Bonus~~ **Royalty Earnings**

BMILIVE

CHILLED NDMW5MIN 066936433 BMILIVE 10 20241 150.00% \$5.23 \$0.00 \$5.23
CHILLED NDMW5SEC 066936492 BMILIVE 10 20241 150.00% \$5.23 \$0.00 \$5.23

GONE 015627271 BMILIVE 11 20241 92.50% \$3.86 \$0.00 \$3.86 GRAVITY S EDGE V1 1
LIC CE001 067554197 BMILIVE 9 20241 100.00% \$3.05 \$0.00 \$3.05 GREEN
LIGHTNING 021708223 BMILIVE 11 20241 200.00% \$8.36 \$0.00 \$8.36

NDMW5MIN 066936458 BMILIVE 9 20241 100.00% \$3.05 \$0.00 \$3.05
NDMW5SEC 066936450 BMILIVE 9 20241 100.00% \$3.05 \$0.00 \$3.05

SERENADE 016257254 BMILIVE 10 20241 200.00% \$7.00 \$0.00 \$7.00

SERIOUS SHIT IS HAPPENING 015627270 BMILIVE 11 20241 177.50% \$7.43 \$0.00
\$7.43 STARVING 016257253 BMILIVE 11 20241 200.00% \$8.36 \$0.00 \$8.36 TAKE MY
HAND 015627269 BMILIVE 11 20241 177.50% \$7.43 \$0.00 \$7.43 **THIS IS GOING TO
KILL ME 015627268 BMILIVE 11 20241 92.50% \$3.86 \$0.00 \$3.86 BMILIVE**

Total \$65.91

INTERNET AUDIO \$0.00 \$0.01 \$0.01
